

(15)
8-15-00
JC

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA.

WALTER PENN,
Plaintiff

: CIVIL ACTION
:

v.

: NO. 1:CV-00-0771

BEN VARNER, et al.,
Defendants'

: (JUDGE RAMBO)

FILED
HARRISBURG, PA

AUG 14 2000

Re: Courts Order of August 2, 2000, in
The Above Captioned Case

P/2SLC-JIM VAN WIE

MARY E. DANDREA, CLERK
Per 9/8
ESLEY CLERK

Dear Judge Rambo:

Your Honor, may it please the Court. In view of the deliberate failure of prison officials to mail plaintiffs motions to the court, when turned over to them in a timely-fashion; and, the apparent negligence of the district court clerk, to submit plaintiffs communications to the Court when they are received, plaintiff feels at this point in time, that he should correspond directly to the court.

Your Honor, with all due respect to the court, plaintiff was shocked when he received the courts Order of August 2, 2000, stating that, "Plaintiffs-motion in opposition to Defendants' motion to dismiss the complaint, was long-overdue and that Plaintiff has filed no-motion for extention of time."

Your Honor, with all due respect, plaintiff humbly disagrees with the court. Please find enclosed herewith, Exhibit "C-1," which consist of: the DC-138A-Cashslip, Certified mail receipt and the Domestic return receipt received and signed by the Clerk of Court on July 27, 2000, six-day's after plaintiff mailed his motion for enlargement of time on July 21, 2000, there is no reason why prison-officials didn't mail plaintiffs motion on July 22, 2000, and there is no reason why the district court clerk, did not submit plaintiffs motion to the court before August 2, 2000. Also enclosed herewith, are Exhibit-"C-2," which consist of: the DC-138A-Cashslip, Certified mail receipt and the Domestic return receipt, received and signed by the district court clerk on August 2, 2000, four-day's after plaintiff mailed his motion in opposition to dismiss the complaint; and, the same day the court issued its Order, again, there is no reason why the Clerk didn't submit Plaintiff motion in opposition-to defendants' motion to dismiss the complaint, to the court.

(CONTINUED ON ATTACHED PAGE...)

(...CONTINUED)

Your Honor, the undue delay by prison officials in mailing plaintiffs motions to the court, is purposely calculated to cause the court to act in the exact manner, as demonstrated by the courts Order of August 2, 2000, i.e., a warning that the complaint will be dismissed due to the failure of the plaintiff to communicate with the court in a timely-fashion.

Dated: 8/10/2000

RESPECTFULLY SUBMITTED,

Walter Penn
Walter Penn, Pro Se.

COMPLETE THIS SECTION

Items 1, 2, and 3. Also complete Restricted Delivery is desired. Name and address on the reverse can return the card to you. card to the back of the mailpiece, only if space permits.

Addressed to:

U.S. District Court
Court Street
Box 983
Harrisburg, PA 17108

in Opposition to De-
motion. 7/29/2000

or (Copy from service label)

7099 3220 0007 2811 0476

, July 1999

Domestic Return Receipt

102595-99-M-1789

Exhibits-"C-2"

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

C. Signature

X *[Signature]* *[Stamp: AUG 02 2000]* ☐ Agent ☐ Addressee

D. Is delivery address different from item 1? ☐ No
If YES, enter delivery address below: ☐ Yes

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage)

Article Sent To:

Clerk of U.S. District Court

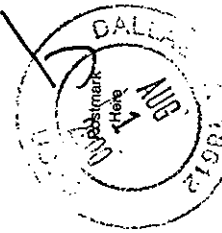
Postage \$

Certified Fee

Return Receipt Fee
(Endorsement Required)

Restricted Delivery Fee
(Endorsement Required)

Total Postage & Fees \$ 5.85



Name (Please Print Clearly) (To be completed by mailer)

Walter Penn, AP-9156, 7/29/2000
Street, Apt. No., or PO Box No.
1000 Follies Road

949 3220 0007 2811 0476

DC-138A		COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF CORRECTIONS	
CASH SLIP			
1. REQUISITIONING INMATE		Walter Penn	
INSTITUTIONAL NUMBER	LOCATION	DATE	
AP-9156	J-Blk.	7/29/2000	
2. RECEIVING INMATE			
INSTITUTIONAL NUMBER	LOCATION	DATE	
3. ITEMS TO BE CHARGED TO MY ACCOUNT			
Please deduct funds from my account to cover certified legal-mail, to the United States District Court for the Middle District. Send to:			
Clerk's Office U.S. District Court 228 Walnut Street P.O. Box 983 Harrisburg, PA 17108			
4. INMATE'S SIGNATURE			
<i>[Signature]</i> <i>[Stamp: AUG 02 2000]</i>			
5. OFFICIAL APPROVAL			
<i>[Signature]</i> <i>[Stamp: AUG 02 2000]</i>			
6. BUSINESS OFFICE'S SPACE			
CHARGE ENTERED	DATE	BOOKKEEPER	
\$ 5.85	AUG 01	<i>[Signature]</i>	

Exhibits-"C-2"

DC-138A

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS

83

CASH
SLIP

1. REQUISITIONING INMATE

Walter Penn

INSTITUTIONAL NUMBER

LOCATION

DATE

AP-9156

J-Blk. 83-Cell

7/21/2000

2. RECEIVING INMATE

INSTITUTIONAL NUMBER

LOCATION

DATE

3. ITEMS TO BE CHARGED TO MY ACCOUNT

Please deduct postage for certified mail and send to:

Office of the Clerk
United States District Court
Middle District
228 Walnut Street
P.O. Box 983
Harrisburg, PA 17108

Please send immediately, deadline is Monday.
Re: Motion for Enlargement of time

4. INMATE'S SIGNATURE

5. OFFICIAL APPROVAL

6. BUSINESS OFFICE'S SPACE

CHARGE ENTERED

DATE

BOOKKEEPER

342

26 2000

PS Form 3811, July 1999

Domestic Return Receipt

102595-99-M-1789

2. Article Number (Copy from service label)

7099-3220-0007-2811-0421

1. Article Addressed to:

CLERK'S OFFICE
U.S. DISTRICT COURT
228 WALNUT STREET
P.O. BOX 983
HARRISBURG, PA 17108

Re: Motion for Enlargement of Time. Filed July 21, 2000

3. Service Type

☐ Certified Mail
☐ Express Mail
☐ Registered
☐ Insured Mail
☐ C.O.D.

4. Restricted Delivery? (Extra Fee)
☐ Yes
☐ No

A. Received by (Please Print Name)

B. Pay of Return

C. Signature

D. Is delivery address different from item 1? ☐ Yes ☒ No

E. If YES, enter delivery address below:

SENDER: COMPLETE THIS SECTION

COMPLETE THIS SECTION ON DELIVERY

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

Article Sent To:
Clerk of U.S. District Court

Postage \$
Certified Fee
Return Receipt Fee (Endorsement Required)
Restricted Delivery Fee (Endorsement Required)
Total Postage & Fees \$ 3.42

Stamp: DALLAS, TEXAS, JUL 26 2000